

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Donald G. Gerety

v.

Civil No. 13-cv-5-PB

United States Social Security
Administration Commissioner

O R D E R

Pro se claimant Donald Gerety has filed an action challenging a decision of the Social Security Administration ("SSA") denying his claim for social security disability insurance, based on a disability onset date of February 2008, pursuant to 42 U.S.C. § 405(g). Because Gerety is proceeding pro se and in forma pauperis, the matter is before the court for preliminary review. See 28 U.S.C. § 1915(e)(2); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B).

Discussion

Gerety is seeking judicial review of an adverse SSA decision setting the onset date in November 2009, for the purposes of obtaining social security disability insurance, and denying his claim for a February 2008 onset date. Gerety

alleges that he filed this action within sixty days of receiving a final decision of the SSA Commissioner on the onset date claim. See 42 U.S.C. § 405(g) (establishing 60-day time limit for seeking judicial review). Accordingly, the matter may proceed at this time.

Conclusion

The complaint (doc. no. 1) shall be served upon defendant. See Fed. R. Civ. P. 4(c)(3). The clerk's office is directed to complete and issue the necessary summonses and to then forward to (1) the United States Attorney for the District of New Hampshire; (2) the Attorney General of the United States; and (3) Michael Astrue, Social Security Administration Commissioner, by certified mail, return receipt requested, the summonses, along with a copy of the complaint (doc. no. 1) and this Order. See Fed. R. Civ. P. 4(i)(2).

Defendant is instructed to answer or otherwise plead within 60 days of service, see Fed. R. Civ. P. 12(a)(2), and to file the certified administrative record, in accordance with 42 U.S.C. § 405(g) and LR 9.1.

The parties shall comply with all applicable rules thereafter, including LR 9.1, concerning social security cases filed in this court.

Gerety is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendant by delivering or mailing the materials to defendant or defendant's attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

January 9, 2013

cc: Donald G. Gerety, pro se

LBM:nmd